



FEDERAL ELECTION COMMISSION  
WASHINGTON, D.C. 20463

Brian G. Svoboda, Esq.  
Perkins Coie LLP  
700 Thirteenth Street, N.W., Suite 600  
Washington, DC 20005-3960

JAN 16 2015

RE: MUR 6688

Dear Mr. Svoboda:

On November 13, 2012, the Federal Election Commission notified your clients, Bill Foster for Congress and Aesook Byon, in her official capacity as treasurer, and G. William (Bill) Foster, of a complaint alleging violations of certain sections of the Federal Election Campaign Act of 1971, as amended. On January 12, 2015, the Commission found, on the basis of the information in the complaint, and information provided by your clients, that there is no reason to believe Bill Foster for Congress and Aesook Byon, in her official capacity as treasurer, or G. William (Bill) Foster violated 52 U.S.C. § 30104(a)(6)(A) (formerly 2 U.S.C. § 434(a)(6)(A)) and 11 C.F.R. § 104.5(f). Accordingly, the Commission closed its file in this matter on January 12, 2015.

Documents related to the case will be placed on the public record within 30 days. See Statement of Policy Regarding Disclosure of Closed Enforcement and Related Files, 68 Fed. Reg. 70,426 (Dec. 18, 2003) and Statement of Policy Regarding Placing First General Counsel's Reports on the Public Record, 74 Fed. Reg. 66,132 (Dec. 14, 2009). The Factual and Legal Analysis, which explains the Commission's findings, is enclosed for your information.

If you have any questions, please contact Donald E. Campbell, the attorney assigned to this matter, at (202) 694-1650.

Sincerely,

General Counsel

BY: Jeff S. Jordan  
Assistant General Counsel  
Complaints Examination and  
Legal Administration

Enclosure  
Factual and Legal Analysis

# FEDERAL ELECTION COMMISSION

## FACTUAL AND LEGAL ANALYSIS

RESPONDENTS: Bill Foster for Congress  
and Aesook Byon, as Treasurer  
G. William (Bill) Foster

MUR 6688

### I. INTRODUCTION

This matter was generated by a complaint alleging violations of the Federal Election Campaign Act of 1971, as amended (the "Act") and Commission regulations by Bill Foster for Congress Committee and Aesook Byon, in her official capacity as treasurer (the "Committee"), and G. William (Bill) Foster ("Respondents"). It was scored as a low-rated matter under the Enforcement Priority System, a system by which the Commission uses formal scoring criteria as a basis to allocate its resources and decide which matters to pursue.

### II. FACTUAL AND LEGAL ANALYSIS

#### A. Factual Background

In this matter, Complainant Edmund A. Brezinski alleges that Representative G. William (Bill) Foster, 2012 candidate for Illinois' 11<sup>th</sup> Congressional District, loaned funds to his campaign in order to pay for television advertisements prior to the 2012 general election, and that Foster's principal campaign committee, Bill Foster for Congress and Aesook Byon, in her official capacity as treasurer (the "Committee"), failed to disclose the loan or file a 48 Hour notification of the receipt in violation of the Act and Commission regulations. Compl. at 1-2.

Complainant cites a November 4, 2012 Chicago Tribune article that states Foster "dug into his own pocket for a six-figure loan to air last minute TV ads" to avoid being "outgunned" by his opponent prior to the 2012 general election. *Id.* at 1; Ex. A. Complainant states that "[o]n information and belief," the [television] "interview" took place on November 4, 2012, and that

the Committee began the related advertising buy on or about November 2, 2012. *Id.* at 1-2.

Complainant contends that the Committee's 48 Hour Notices did not include the disclosure of the "six figure" loan allegedly made by Foster on November 2, 2012.<sup>1</sup> *Id.* at 2.

In response, the Committee states that Foster loaned his committee \$500,000 on November 2, 2012, and that a 48 Hour report disclosing the loan was "timely" filed on November 4, 2012. Resp. at 1. Attached to the Response is a copy of a 48 Hour Notice filed by the Committee on November 4, 2012, which discloses a \$500,000 receipt from Foster on November 2, 2012.<sup>2</sup> *Id.* at Ex. A. Disclosure documents indicate that the Committee also disclosed the receipt of Foster's loan, dated November 2, 2012, on its next scheduled report.<sup>3</sup> See 2012 30 Day Post General Report at 330, 376 (dated December 6, 2012).

#### B. Legal Analysis

Campaign committees are required to file a 48 Hour notification of any contribution of \$1,000 or more received less than 20 days but more than 48 hours before 12:01 a.m. of the day of any election in which the candidate is running. 52 U.S.C. § 30104(a)(6)(A) (formerly 2 U.S.C. § 434(a)(6)(A)); 11 C.F.R. § 104.5(f). The term "contribution" includes any gift, subscription, loan, advance, or deposit of money made by any person for the purpose of influencing any election for Federal office. 52 U.S.C. § 30101(8)(A) (formerly 2 U.S.C. § 431(8)(A)). The Commission must receive the notice within 48 hours of the committee's receipt of the

<sup>1</sup> Attached to the Complaint are copies of several 48 Hour Notices (FEC Form 6), which the Complainant alleges were filed by the Committee between October 20, 2012, and November 2, 2012. *Id.* at Ex. B.

<sup>2</sup> The 48 Hour Notice filed on November 4, 2012 by Bill Foster for Congress is also accessible on the Commission website's Candidate and Committee Viewer, at <http://docquery.fec.gov/pdf/438/12961241438/12961241438.pdf>.

<sup>3</sup> In addition, the Committee reported a \$500,000 expenditure to "SKDKnickerbocker LLC" on November 2, 2012 for "Cable TV." *Id.* at 356.

contribution, and the committee must also itemize the last minute contribution on the committee's next scheduled report. 11 C.F.R. § 104.5(f).

The Complaint alleges that Foster made a "six-figure" loan to the Committee on November 2, 2012, less than 20 days but more than 48 hours before the November 6, 2012, general election, and that the Committee did not timely file a 48 Hour Notice disclosing the loan within 48 hours of receipt. Compl. at 1-2. The Response specifically refutes this allegation, and asserts that the appropriate 48 Hour Notice was timely filed. Furthermore, documents filed with the Commission support the Respondents' assertion that the 48 Hour Notice was filed in a timely manner. Additionally, the available information indicates that the Committee further complied with reporting requirements by reporting the \$500,000 loan on its subsequent filings with the Commission. Therefore, the Commission finds no reason to believe that G. William (Bill) Foster, and Bill Foster for Congress and Aesook Byon, in her official capacity as treasurer violated 52 U.S.C. § 30104(a)(6)(A) (formerly 2 U.S.C. § 434(a)(6)(A)) and 11 C.F.R. § 104.5(f).